

# EXHIBIT 9

1  
2 UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
3 Case No. 1:22-cv-00983-VEC

-----x

4 NIKE, INC.,

5 Plaintiff,

6 - against -

7 STOCKX LLC,

8 Defendant.

9 -----x

10 February 8, 2023

9:48 a.m.

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12  
13 VIDEOTAPED DEPOSITION of JOE PALLETT,  
14 located at Debevoise & Plimpton LLC, 66  
15 Hudson Boulevard, New York, New York 10001,  
16 before Anthony Giarro, a Registered  
17 Professional Reporter, a Certified Realtime  
18 Reporter and a Notary Public of the State  
19 of New York.  
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A P P E A R A N C E S :

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ALSO PRESENT:

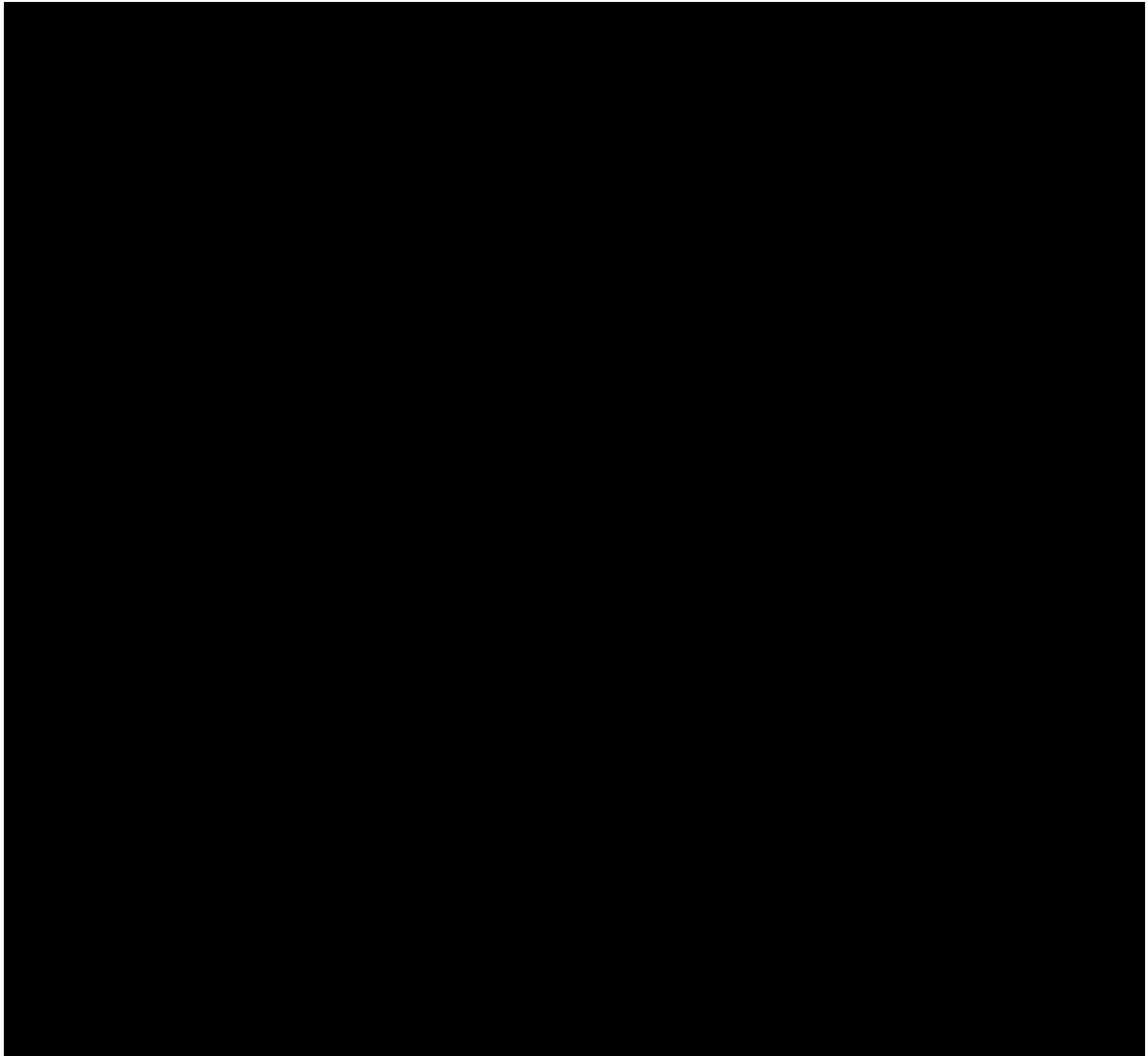
ANTON EVANGELISTA, Videographer  
KIMBERLY VAN VOORHIS, ESQ., Nike

JOE PALLETT



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18                   Q           Let's flip to Topic 31, same  
19           document.

20                               Before I ask you about 31,  
21           did you do anything specifically to  
22           prepare to testify on behalf of Nike on  
23           the Topic 23 that we were just speaking  
24           about?

25                   A           We reviewed it and discussed

JOE PALLETT

Q Were those in e-mails or  
other types of documents?

A E-mails. And there was a  
spreadsheet produced

Q Was the spreadsheet the  
preliminary findings documents that you  
mentioned?

A Yes.

Q Were you on the e-mails  
with -- was it --

A Mary.

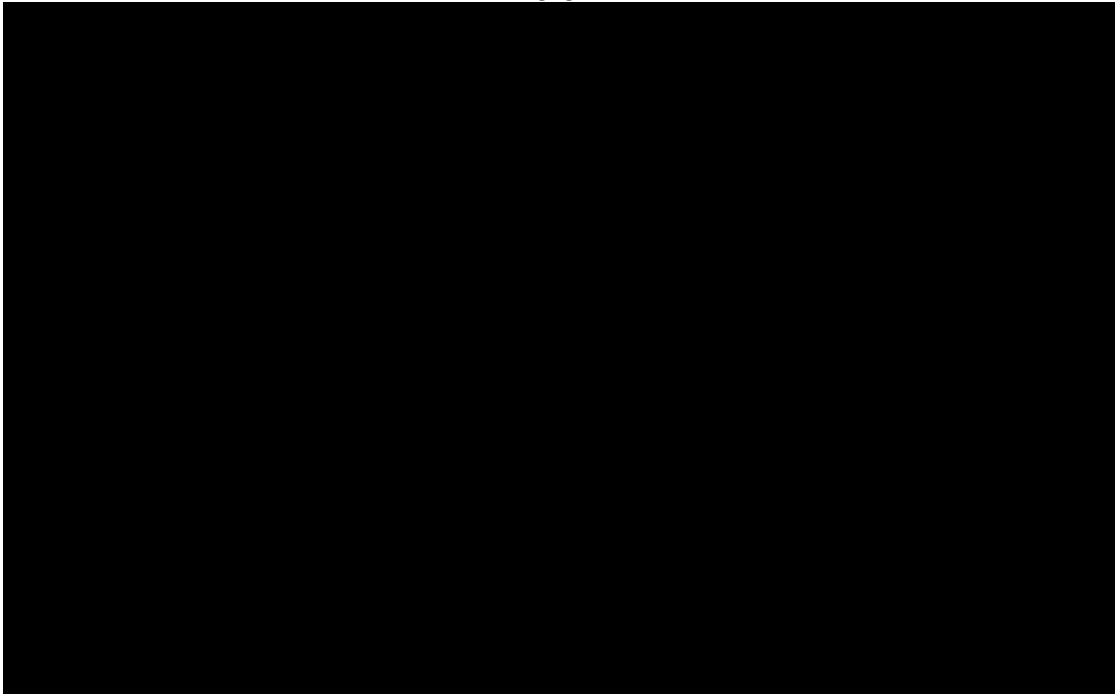
Q Were you on the e-mails with  
Mary Ange?

A Yes.

Q And what did those documents  
refresh your recollection as to?

1 JOE PALLETT

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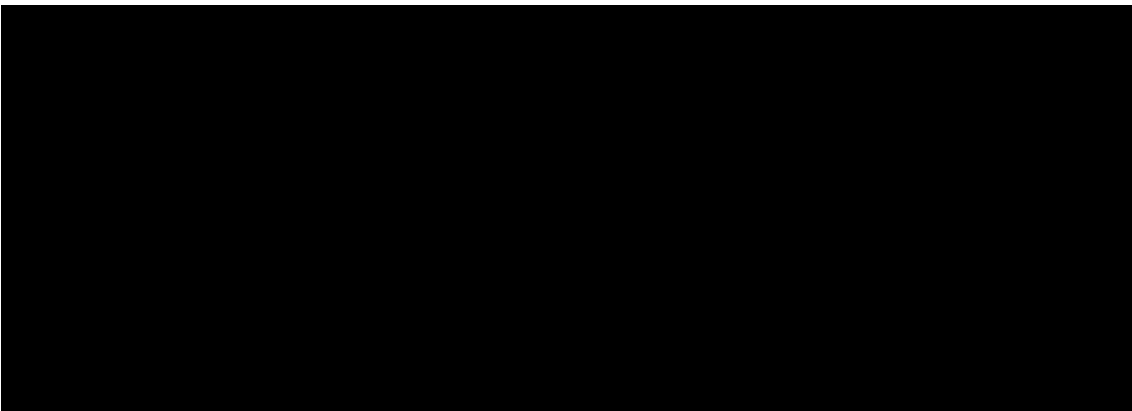
A Through an e-mail.

Q And who is Mary Ange  
exactly?

A She's a member of the brand  
protection team that reports to me.

Q Where is she based?

A At our European headquarters  
in the Netherlands.



1 JOE PALLETT

2 A Two years.

3 Q Until about 2015?

4 A Yeah.

5 Q And then what did you do  
6 from there?

7 A Following a series of  
8 stretch assignments, I joined the brand  
9 protection team.

10 Q What do you mean by a series  
11 of stretch assignments?

12 A Stretch assignments are  
13 something that exist at Nike that allow  
14 employees to spend a certain amount of  
15 their workweek working outside of their  
16 primary job to explore other options  
17 within the company.

18 Q So did you do stretch  
19 assignments within brand protection?

20 A Yes.

21 Q And that led to being hired  
22 full-time by brand protection?

23 A Yes.

24 Q Do you recall when you  
25 started working full-time for brand



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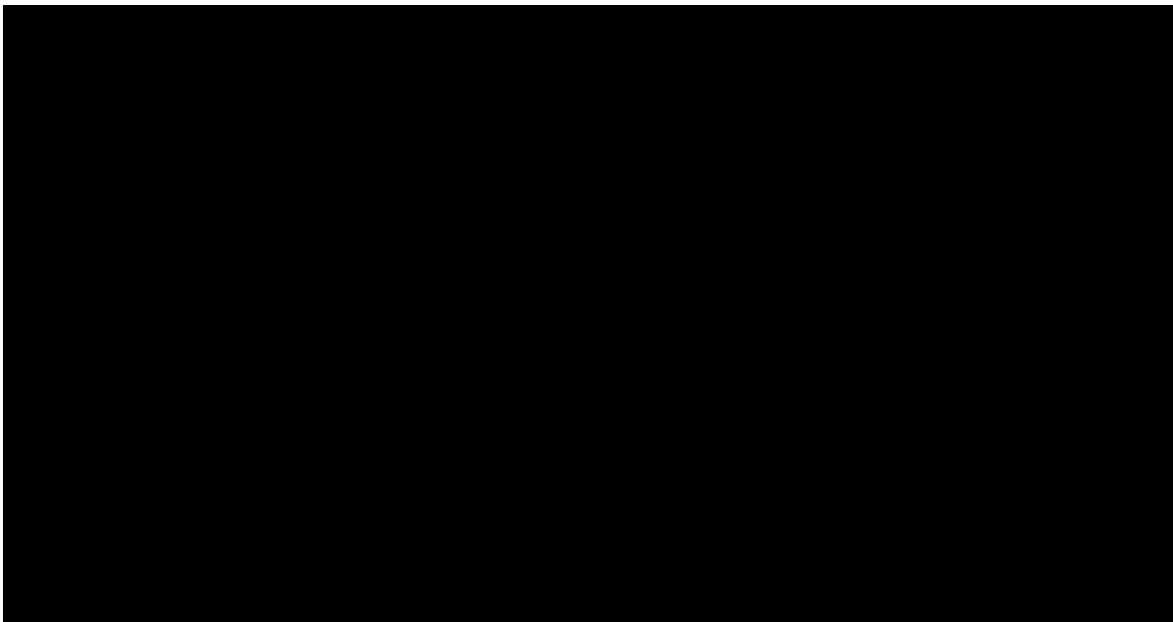
JOE PALLETT

protection?

A 2015.

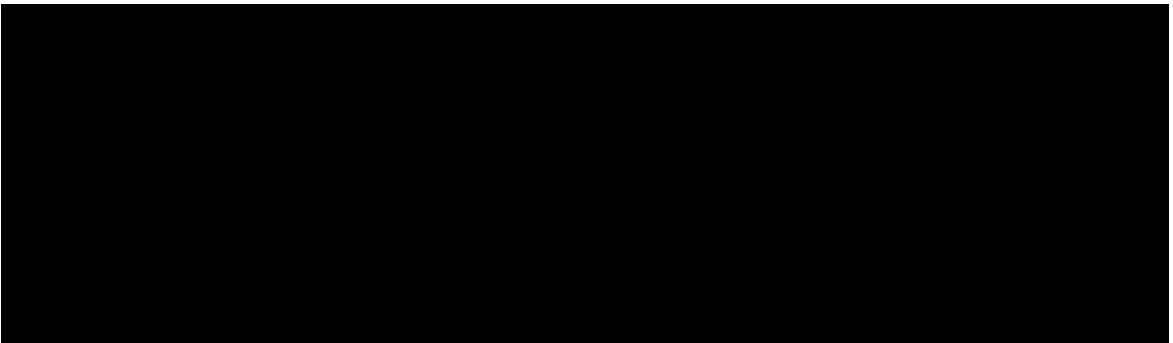
Q What was your position when  
you first started in brand protection?

A Initially operations and  
reporting manager.



Q How long did you hold that  
role for?

A I think about two years.



Q So what were your primary

JOE PALLETT

[REDACTED]

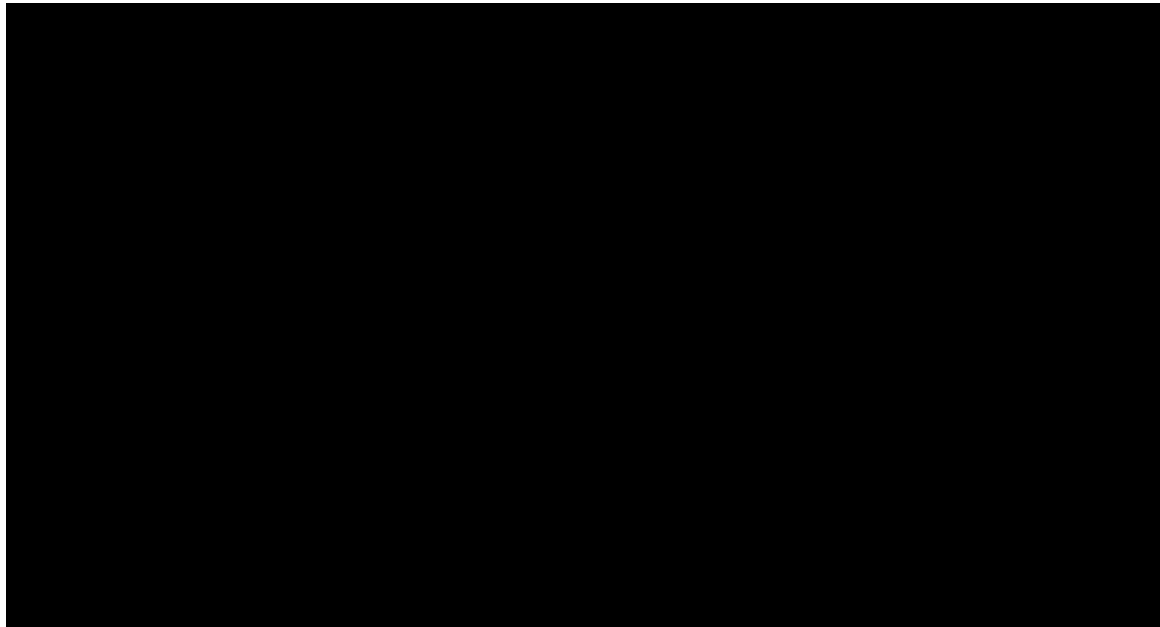
Q You said your title changed.  
What is your title today?

A Director of authentication  
and innovation.

Q And how has your role  
changed?

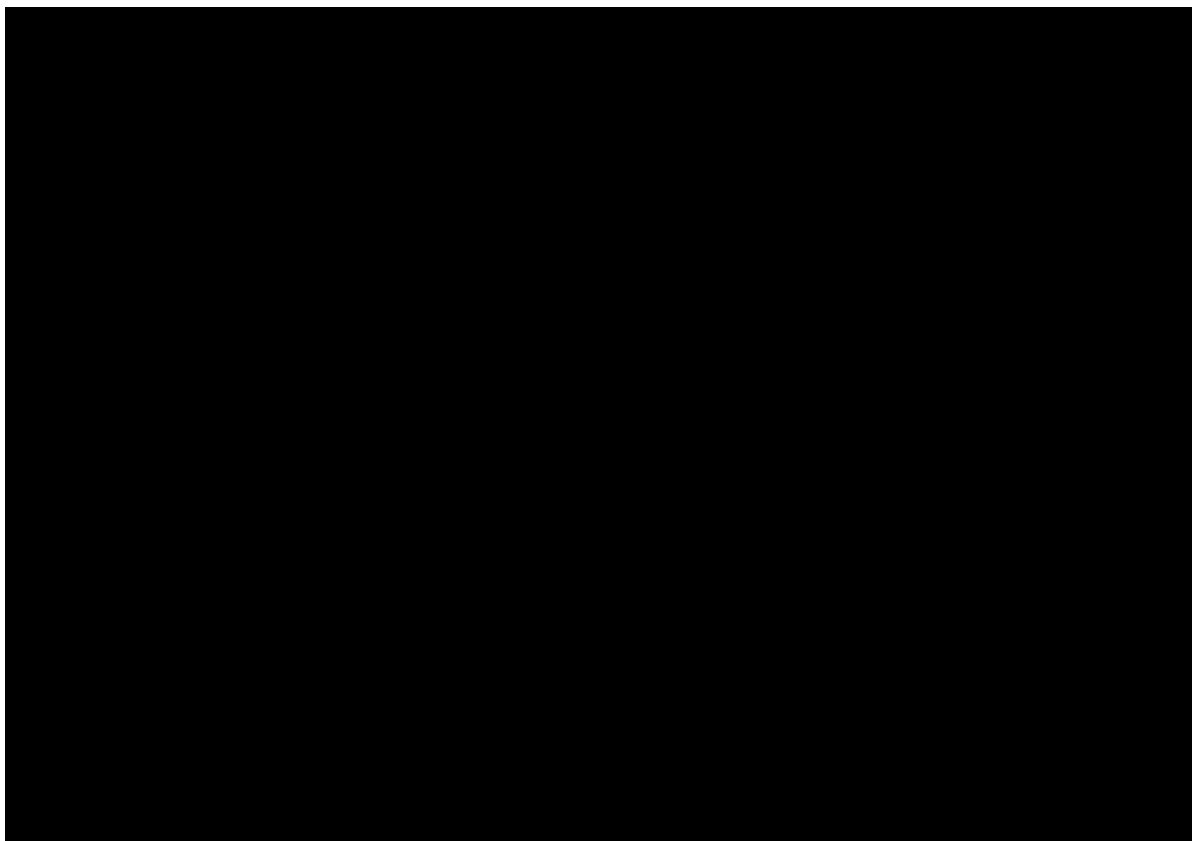
[REDACTED]

1 JOE PALLETT



11 A Sure.

12 MS. DUVDEVANI: Objection.



1 JOE PALLETT

2 Q Do you recognize this  
3 document?

4 A I do.

5 Q What is this document?

6 A It's a one-page document  
7 broadly describing the background,  
8 objectives, what potential next steps  
9 there are, challenges, individuals  
10 involved in a project that [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q Were you involved in this  
14 project at all?

15 A I was.

16 Q What was your role?

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q So the project was called  
23 the [REDACTED] Project?

24 A Yes.

25 Q Broadly speaking, what was

JOE PALLETT

the [REDACTED] Project?

[REDACTED]

Q What was the purpose of the [REDACTED] Project?

A So I wasn't involved in developing the purpose of it. [REDACTED]

[REDACTED]

Q Valiant Labs, what exactly is that?

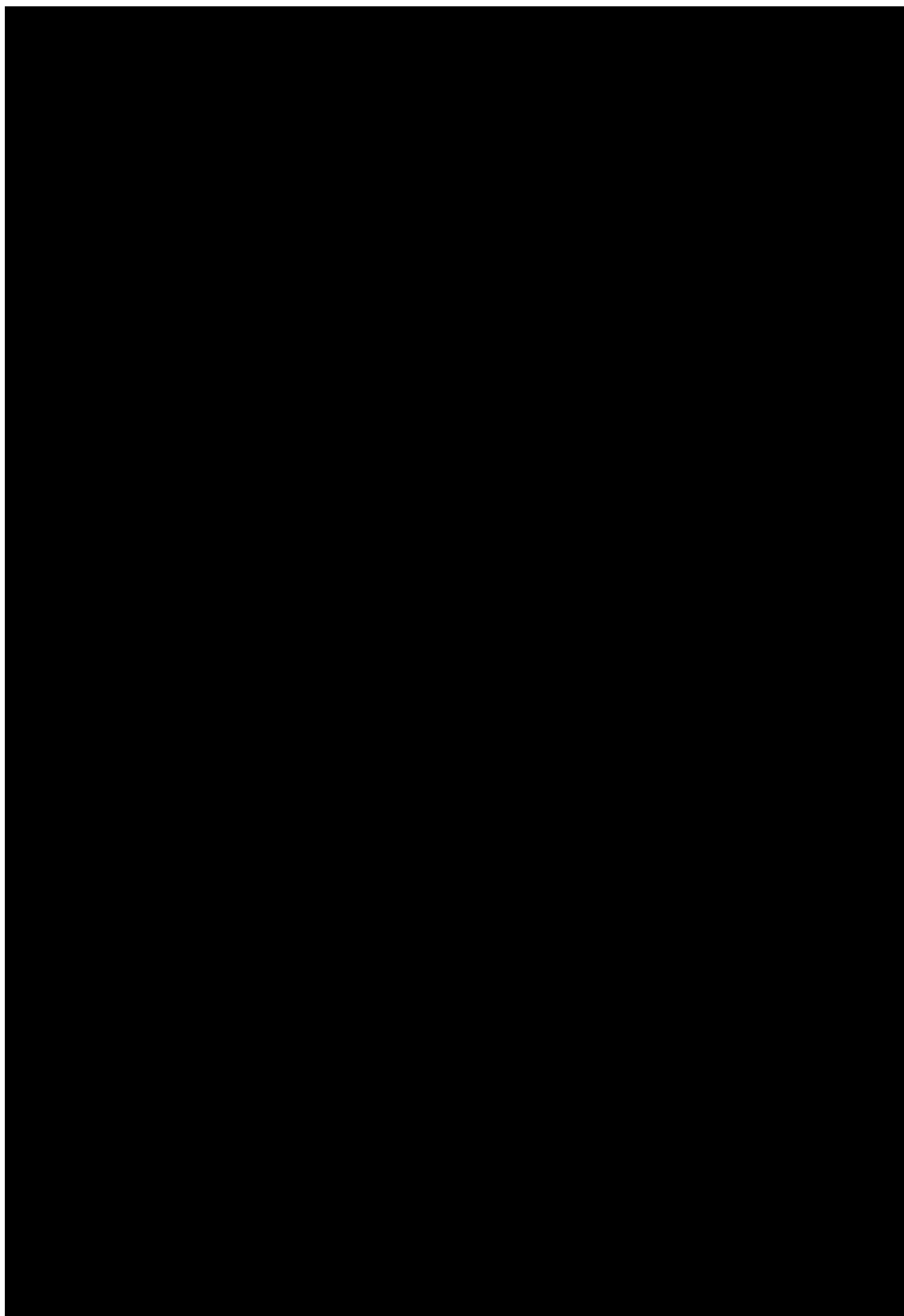
A It's an odd group that exists at Nike that is given -- given some freedom to explore new business concepts.

Q Does the group still exist today?

A I don't know.

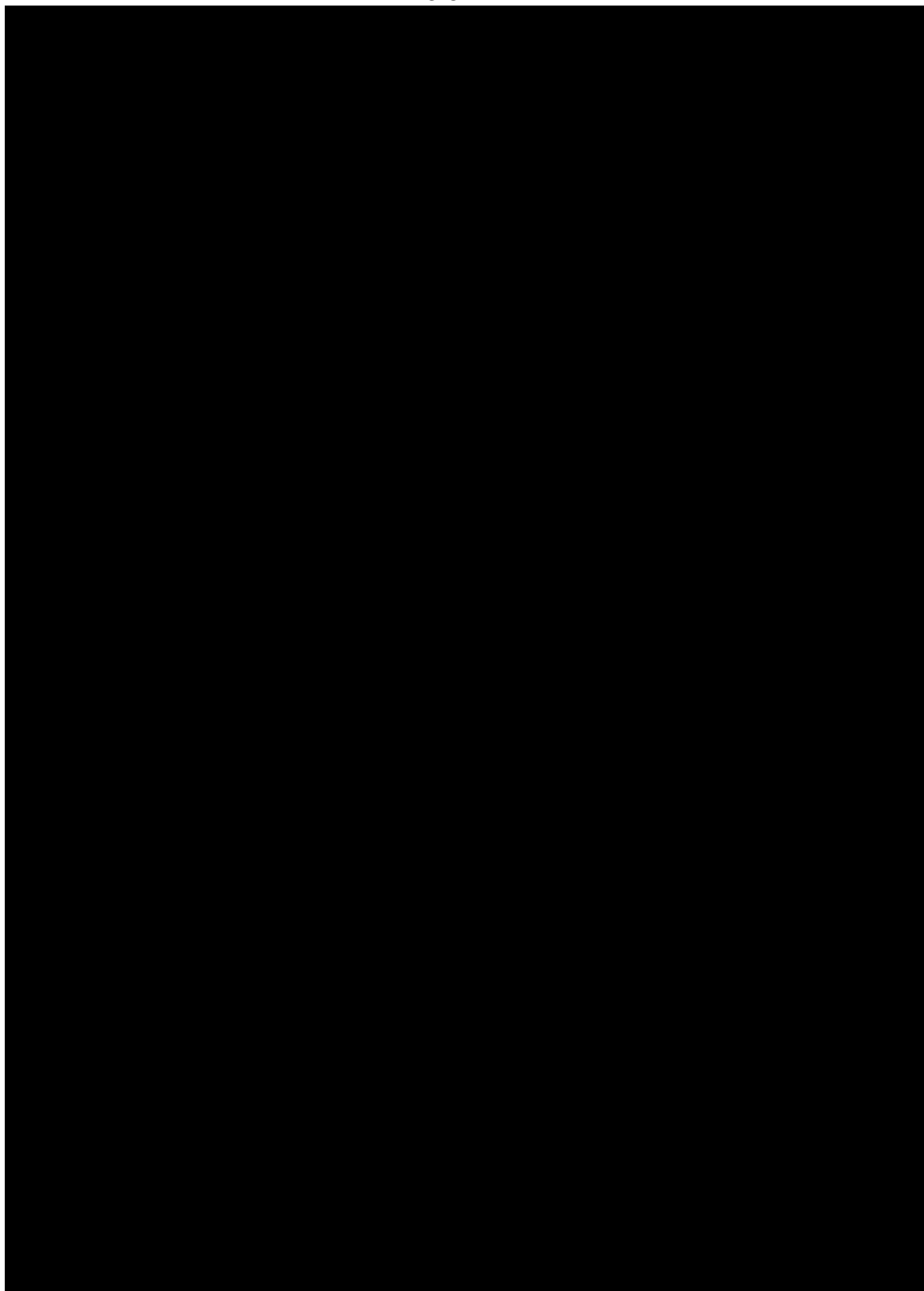
Q Have you done any other projects with the group, other than [REDACTED]

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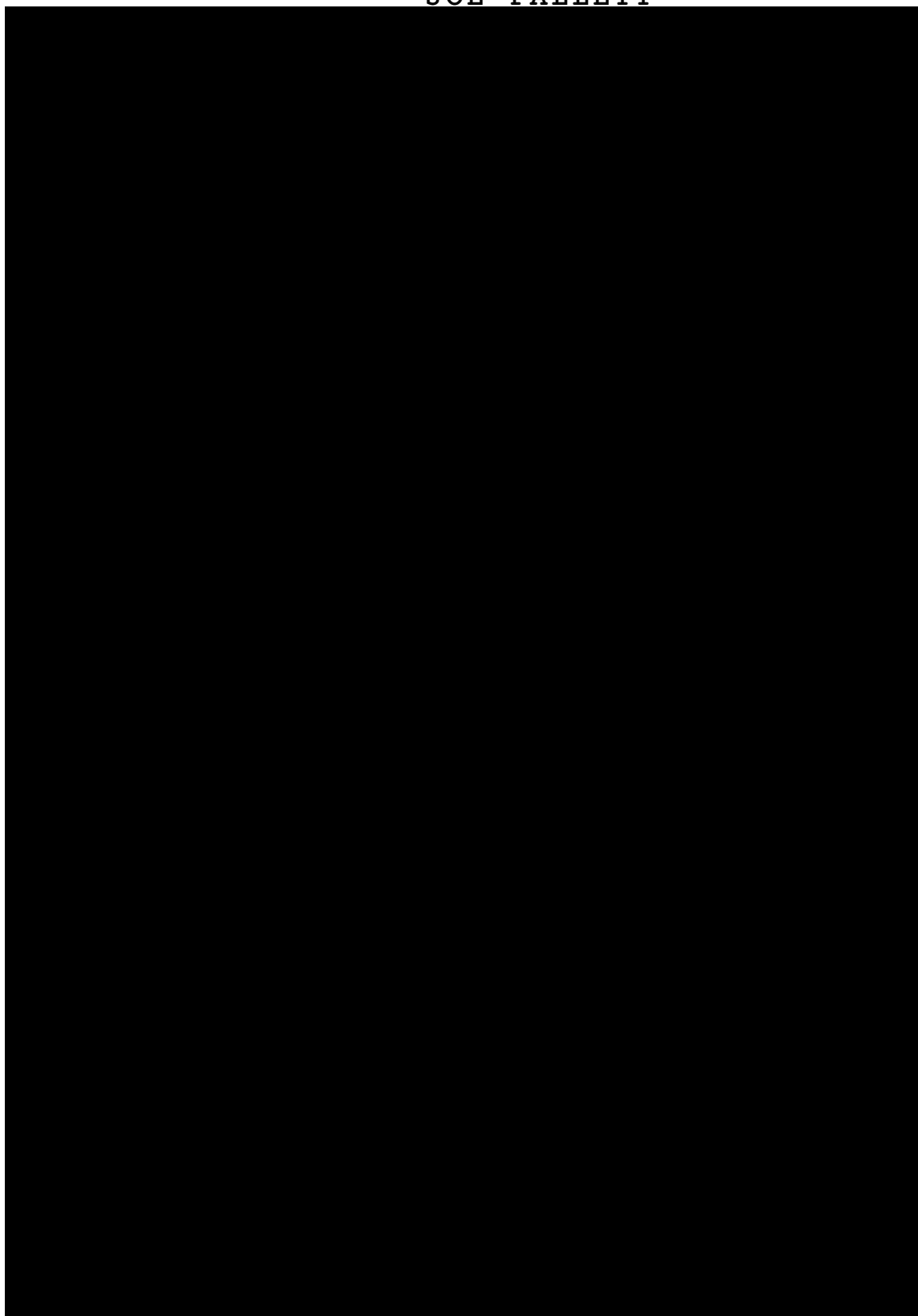
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JOE PALLETT

How would you describe it?

Q Any other concerns about the  
Project?

A Not from my perspective, no.

Q Looking at this document  
that's in front of you --

A Yes.

Q -- towards the top, there's  
an orange heading that says "Objectives  
and Outcomes."

Do you see that?

A Yes.

Q And there's some boxes  
underneath.

1 JOE PALLETT

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MS. DUVDEVANI: Objection.

12

Q

Do you agree with that?

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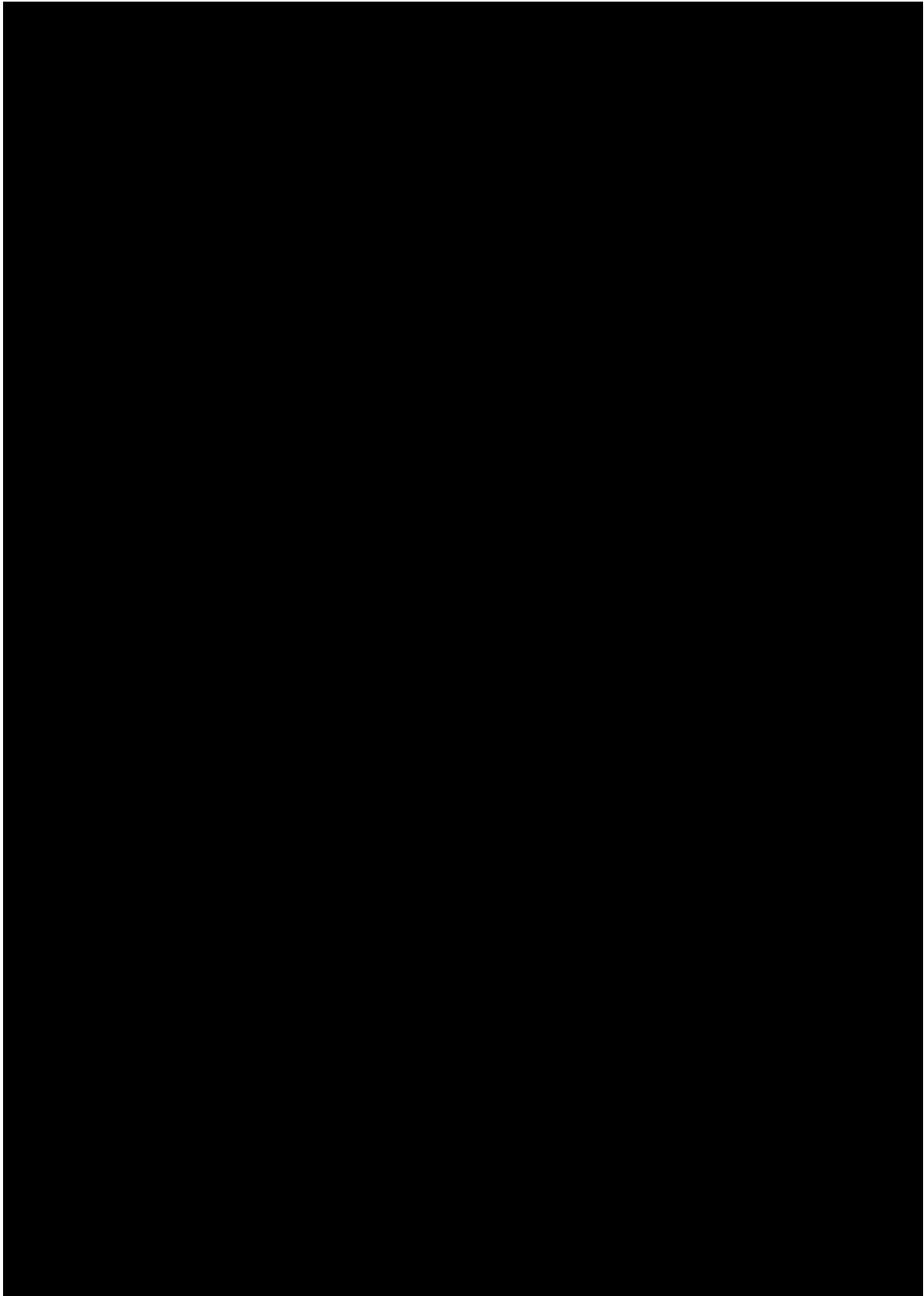
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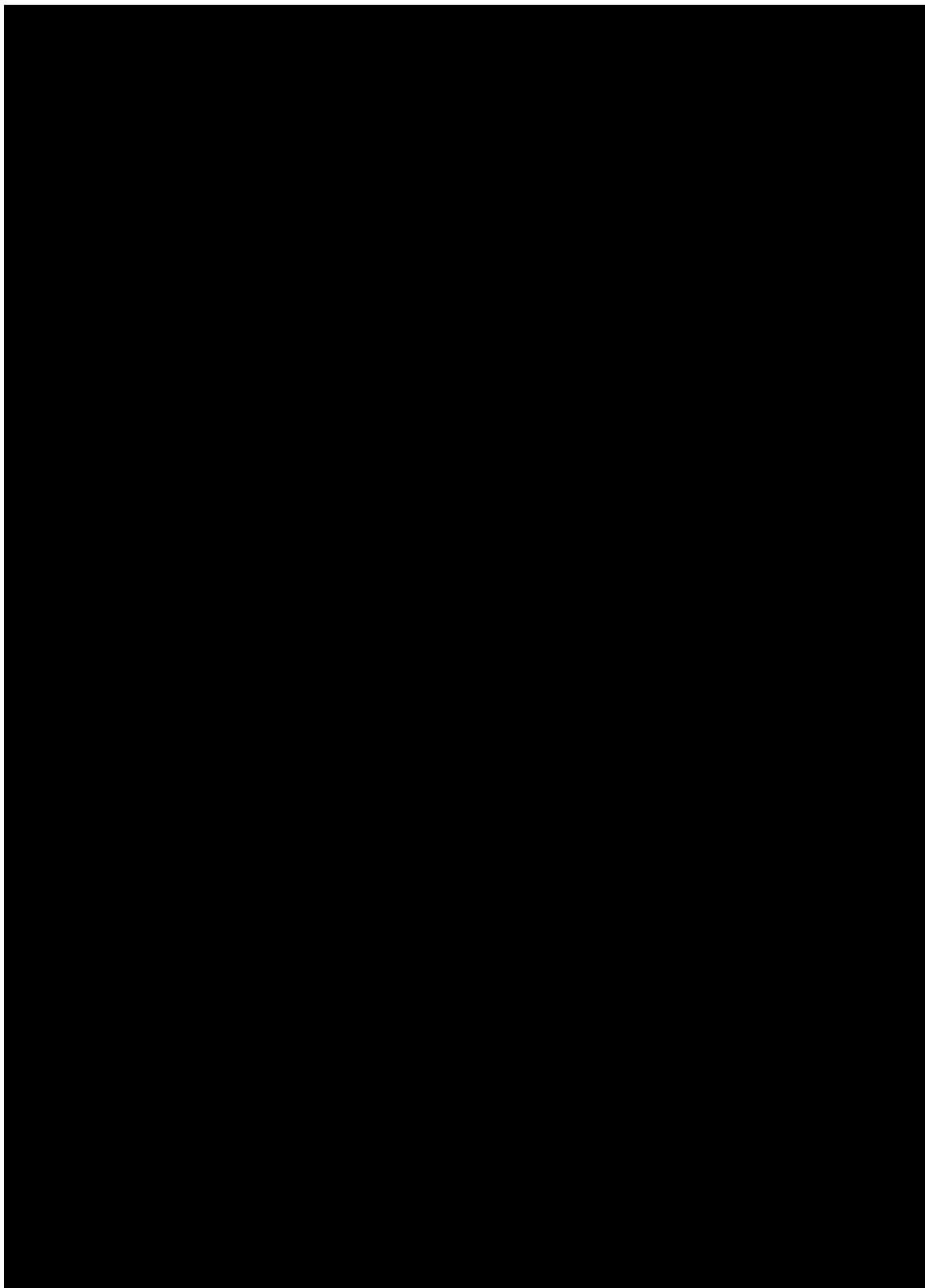
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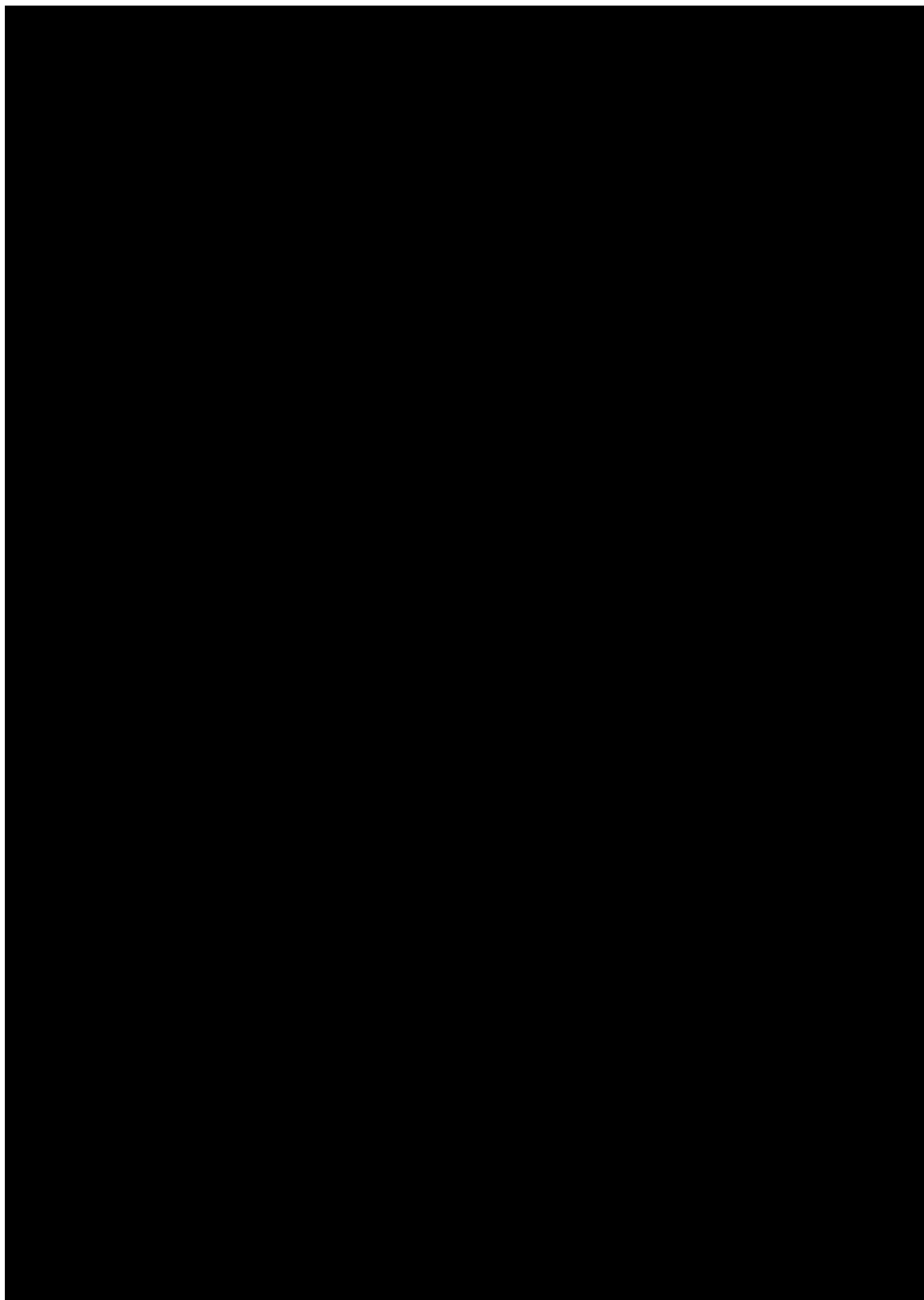
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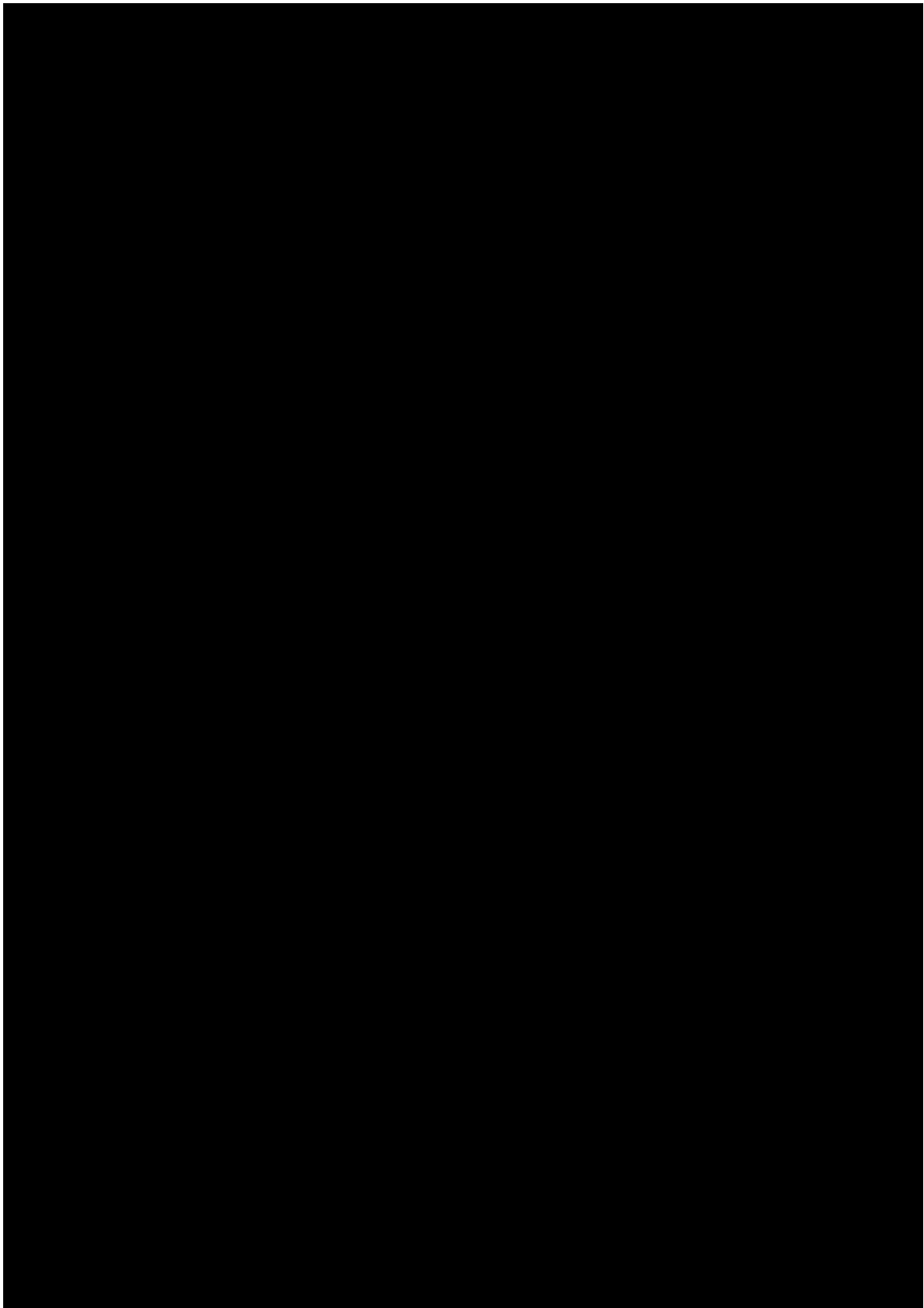


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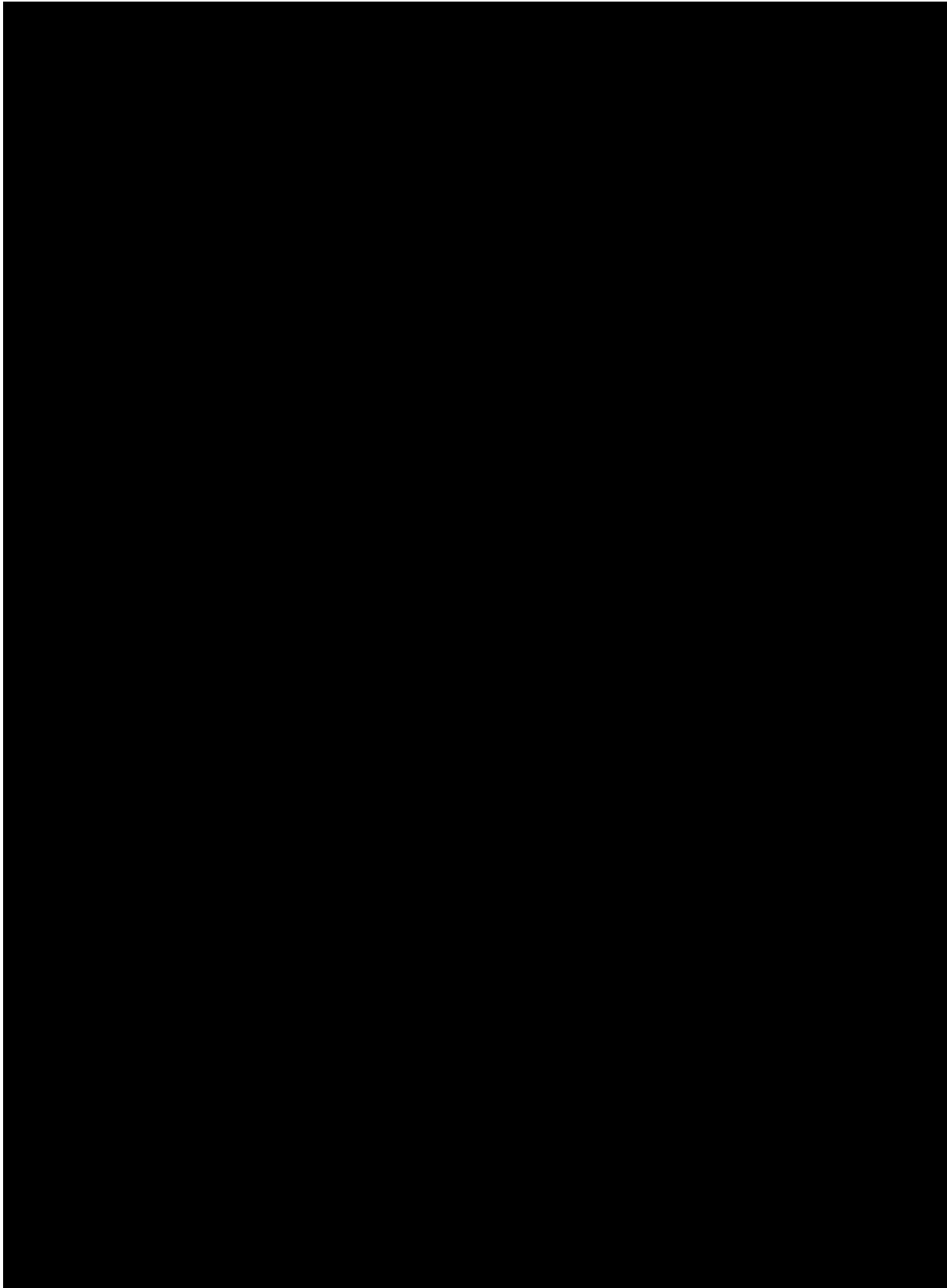


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Q Got it.



JOE PALLETT

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MS. DUVDEVANI: Objection.

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JOE PALLETT

she's referring to. But she could have purchased intentionally, a counterfeit product.

Q Have you heard the term fakes factory before?

A I mean I'm assuming I read this e-mail. But we don't commonly use that term.

Q The last sentence in that paragraph says, "They also let us know this product came to them with a fake StockX tag on it as well. So it's a double whammy."

Have you heard of fake StockX tags appearing before?

A Yes.

Q In what context?

[REDACTED]

Q Can you be more specific?

[REDACTED]

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JOE PALLETT

[REDACTED] [REDACTED] And they have StockX tags, the little green tags attached to them.

Q That are fake?

A We believe that they're fake. We have no way of verifying that.

Q What's your basis for believing that they're fake?

A They're attached to counterfeit shoes.

Q Anything else?

A No.

Q If you go to the next e-mail in time from Vic Lortz --

A This is on page 498 that ends in 498?

Q No. Sorry. 496. We're going the other way.

A Yeah.

[REDACTED]

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JOE PALLETT

to me.

Q What did you do with them  
once you received them?

MS. DUVDEVANI: Objection.

A I inspected them myself and  
then stored them in the brand protection  
evidence locker.

Q How did you inspect them?



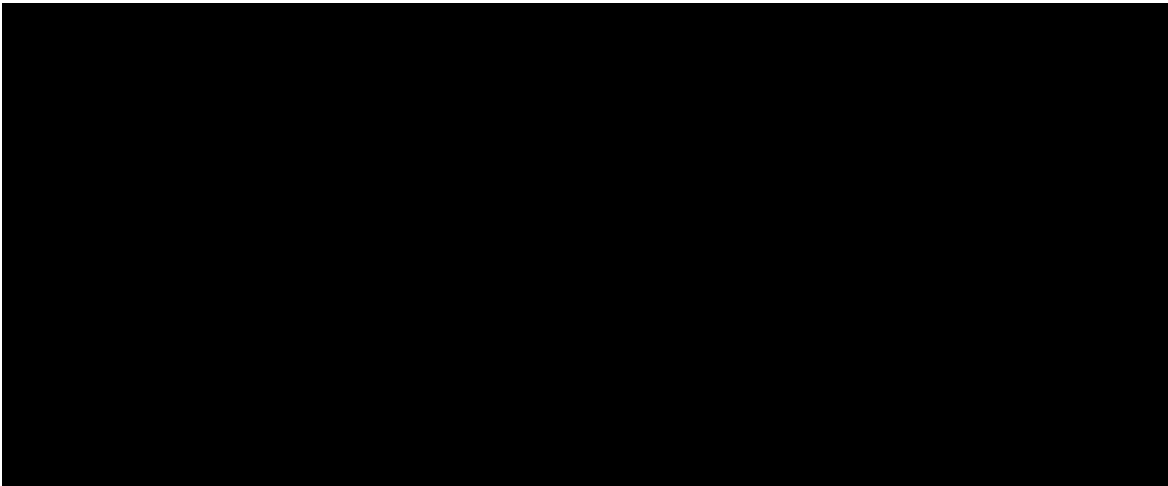
1 JOE PALLETT

2 MS. DUVDEVANI: If you're  
3 about to state -- I'm going to direct  
4 you not to make any statements about  
5 what you discussed with counsel for  
6 Nike.

7 THE WITNESS: Okay.



15 MS. DUVDEVANI: I'm going to  
16 object and instruct the witness not  
17 to answer on the basis of  
18 attorney-client privilege.



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[REDACTED]

Q And what did you learn at  
that meeting?

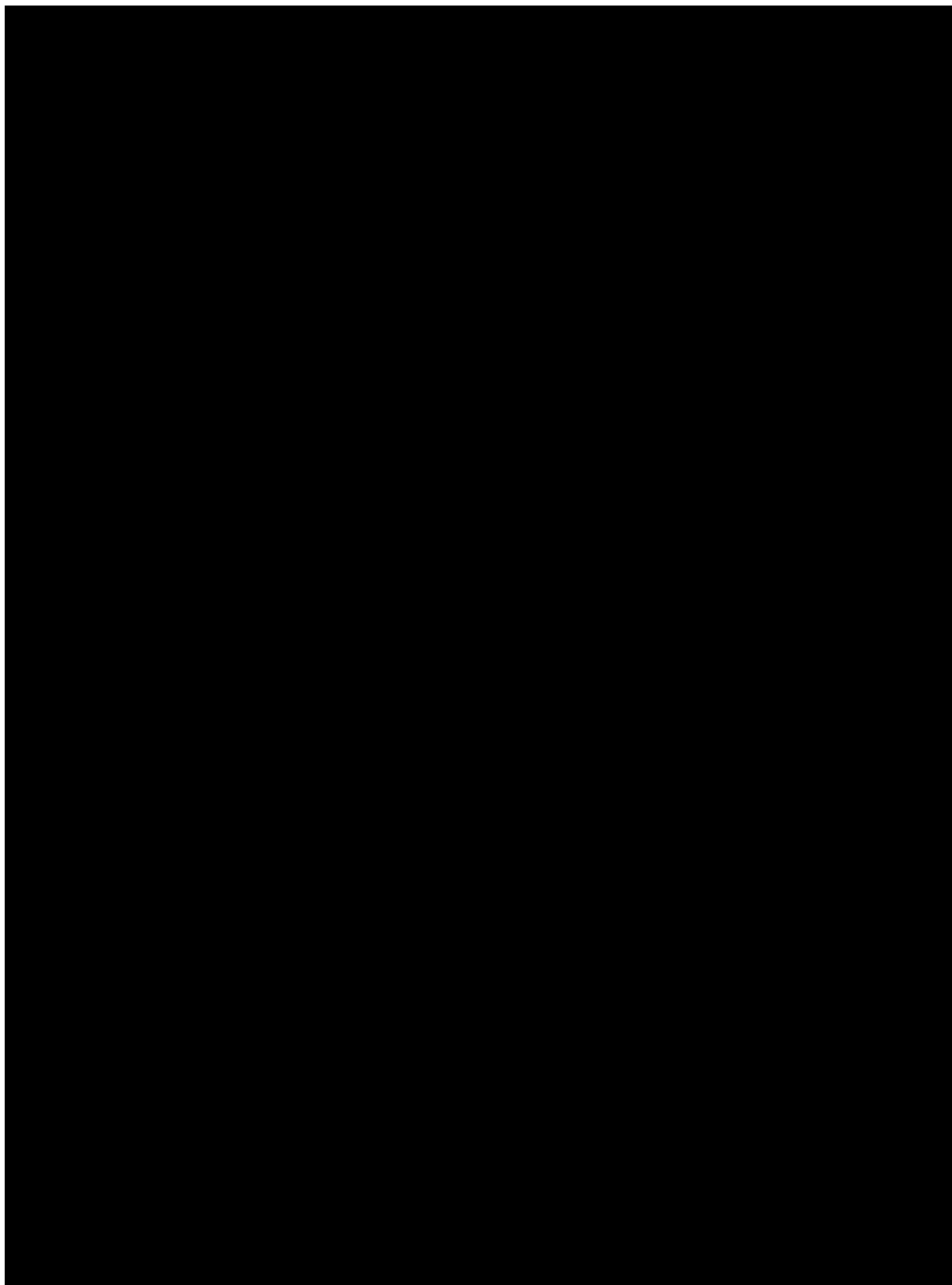
MS. DUVDEVANI: Again, just

[REDACTED]

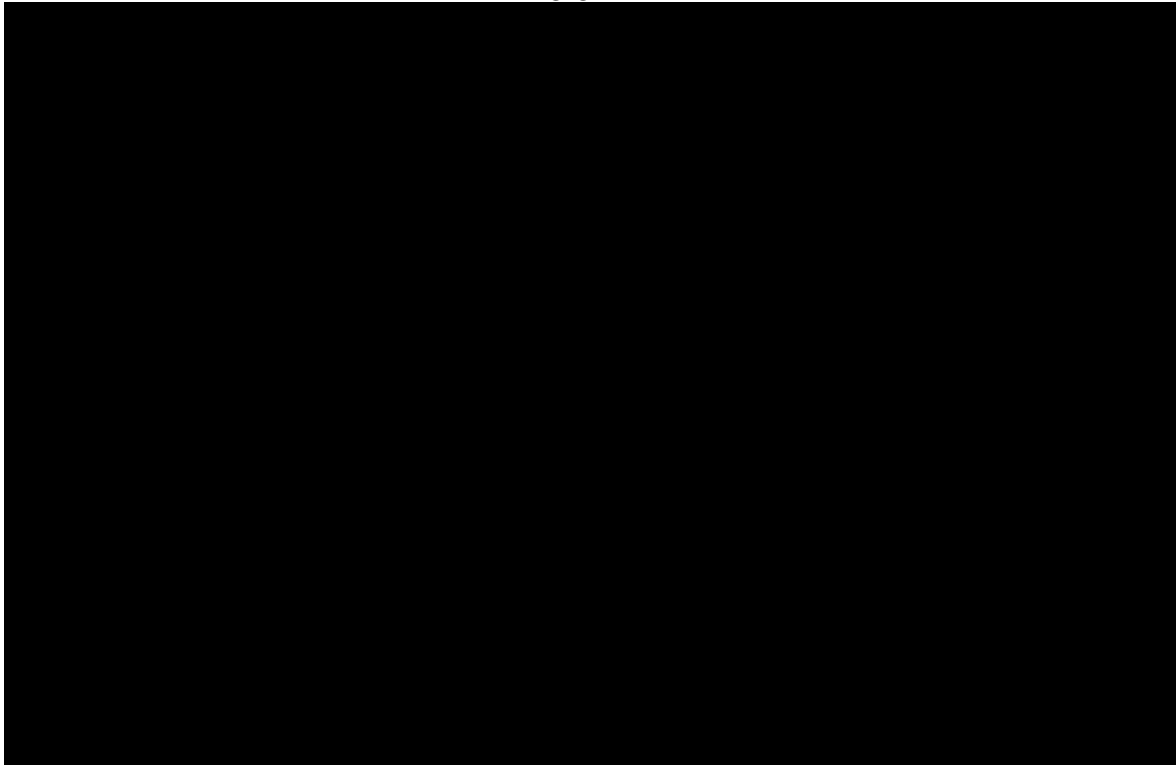
A Four .

JOE PALLETT

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JOE PALLETT



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Then what did you do with  
the shoes?

A Locked them in the evidence  
locker.

Q Have you looked at them  
since?

A They were removed from the  
evidence locker, so that we could take  
photographs of them.

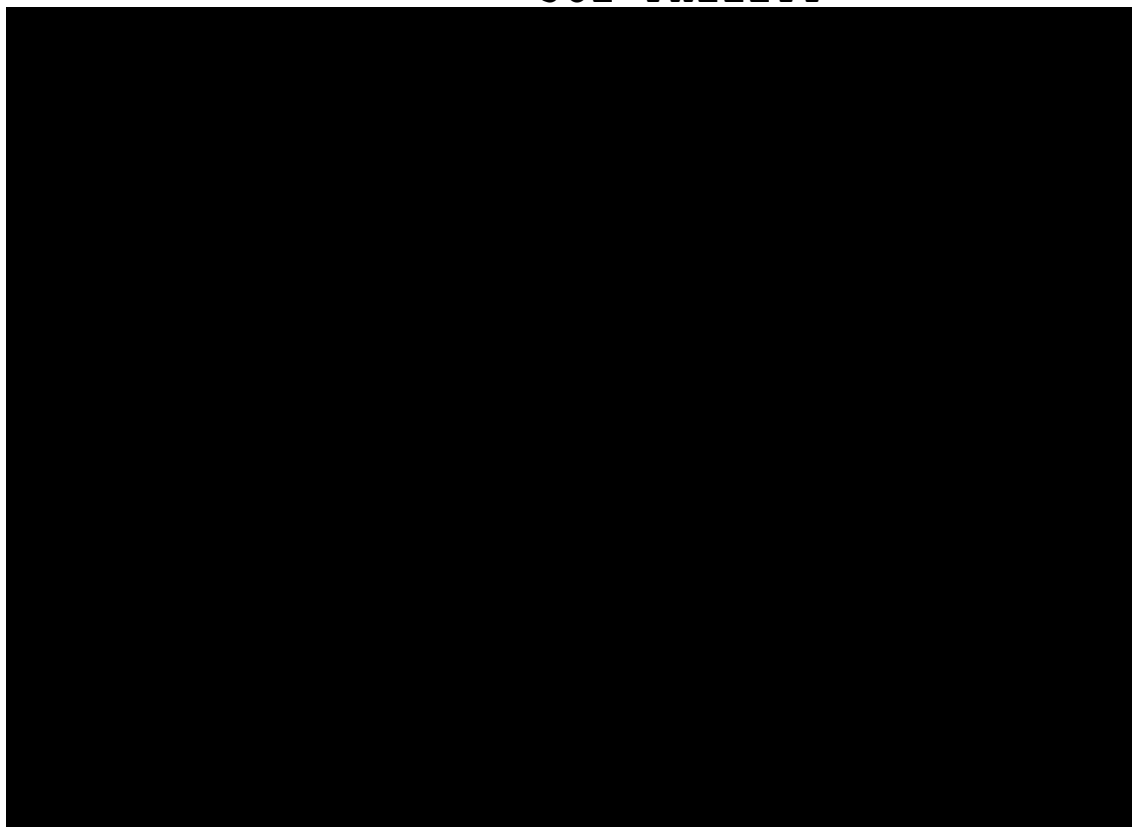
Q Anything else?

A No.

MS. BANNIGAN: We're going  
to mark as Exhibit 13, a document



JOE PALLETT



Q Do you recall anything else  
you did with the shoe?

A Put it in the storage  
locker.

Q It's in the storage locker  
now with the other ones?

A Yes.

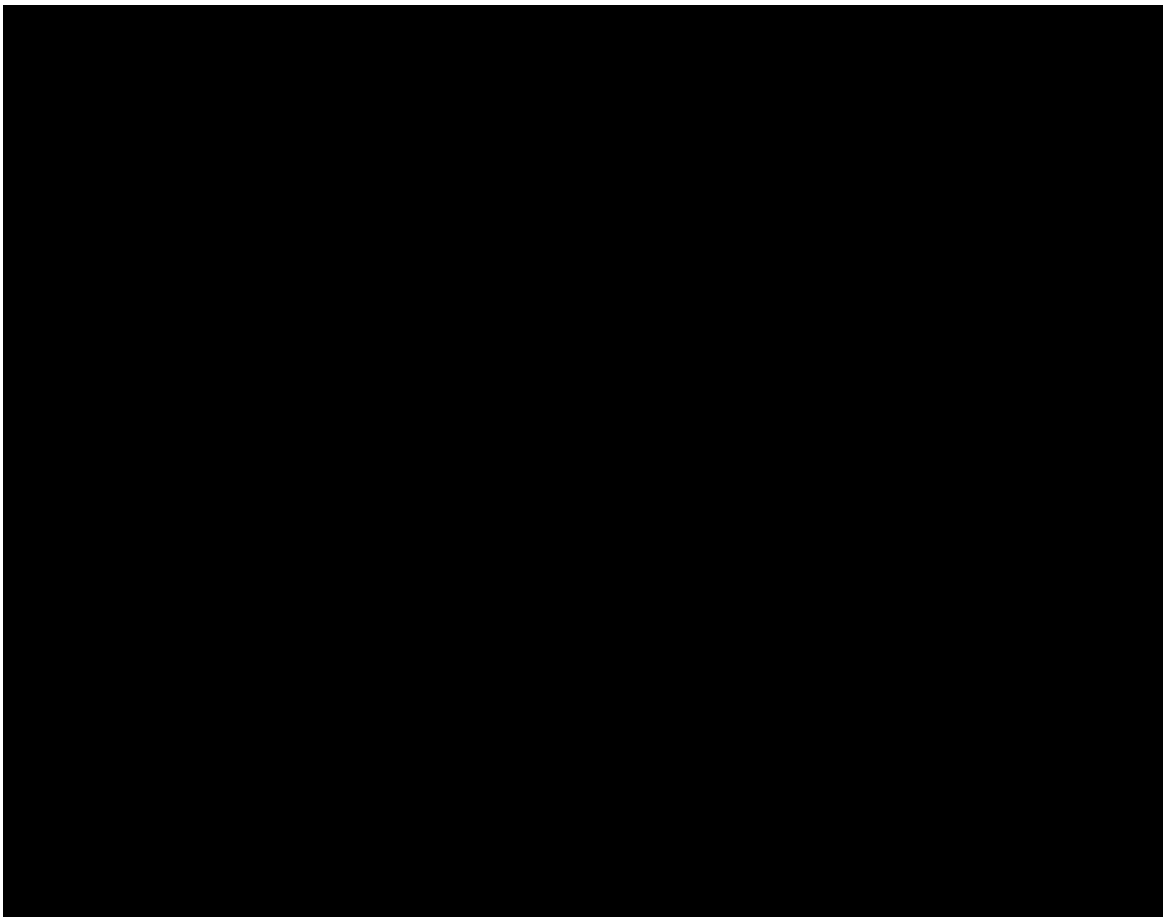
Q For all of these -- how many  
of them -- is it four total or five  
total?

A Four.

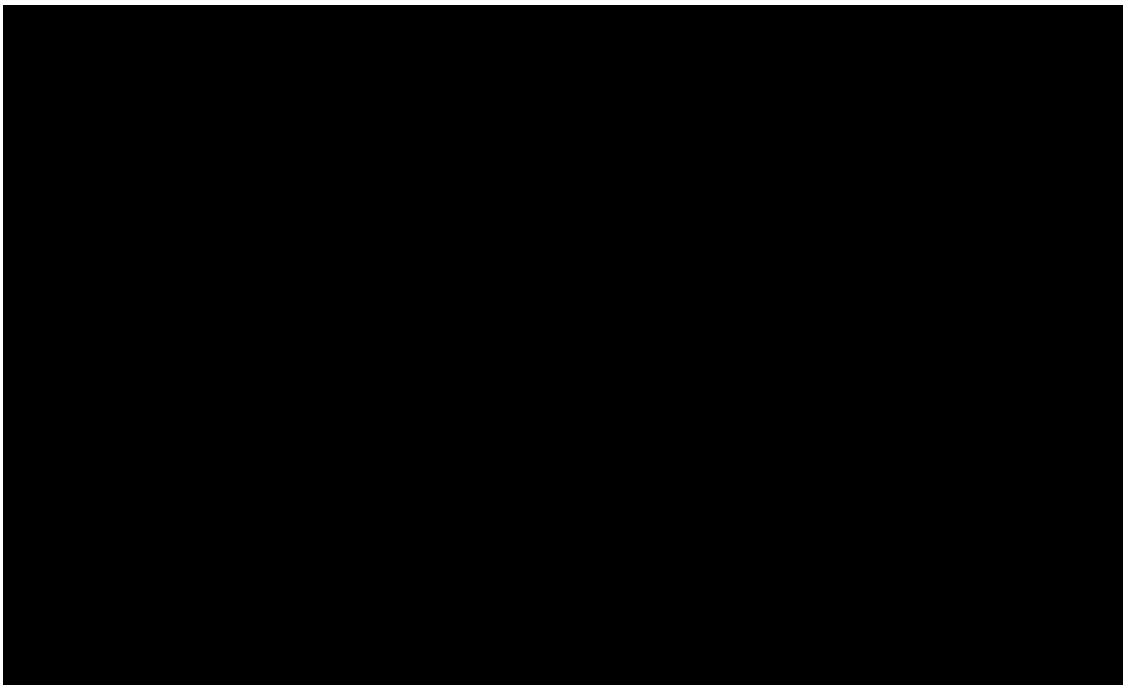
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MS. DUVDEVANI: Objection.



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MS. DUVDEVANI: Objection.

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A I'm sorry. Could you try

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that one again?

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Q Sure.

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So other than this

12

investigation that we're talking about --

13

withdrawn that.

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Q I believe that you're

22

familiar with Roy Kim?

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A Yes.

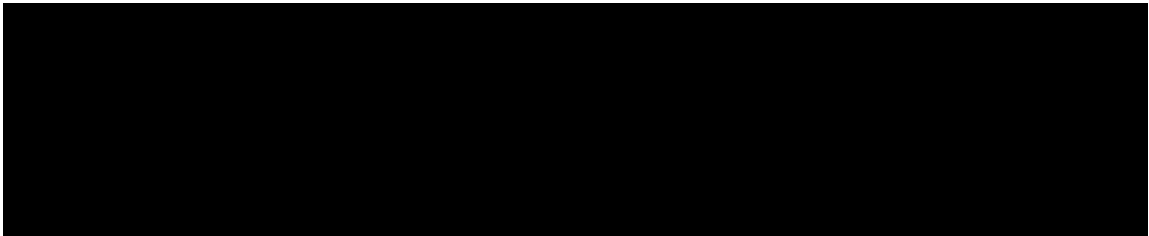
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Q Who is Roy Kim?

25

A Roy Kim is a shoe collector

JOE PALLETT



Q You said that Mr. Kim is a shoe collector and trader from San Diego.

What do you mean by that?

A He collects shoes.

Q Do you know anything else about his background with respect to collecting shoes?

A No.

Q Did you ask him anything about his shoe collection?

A No.

Q Did you ever meet Mr. Kim?

A Briefly, yes.

Q And what were the circumstances in which you met Mr. Kim?

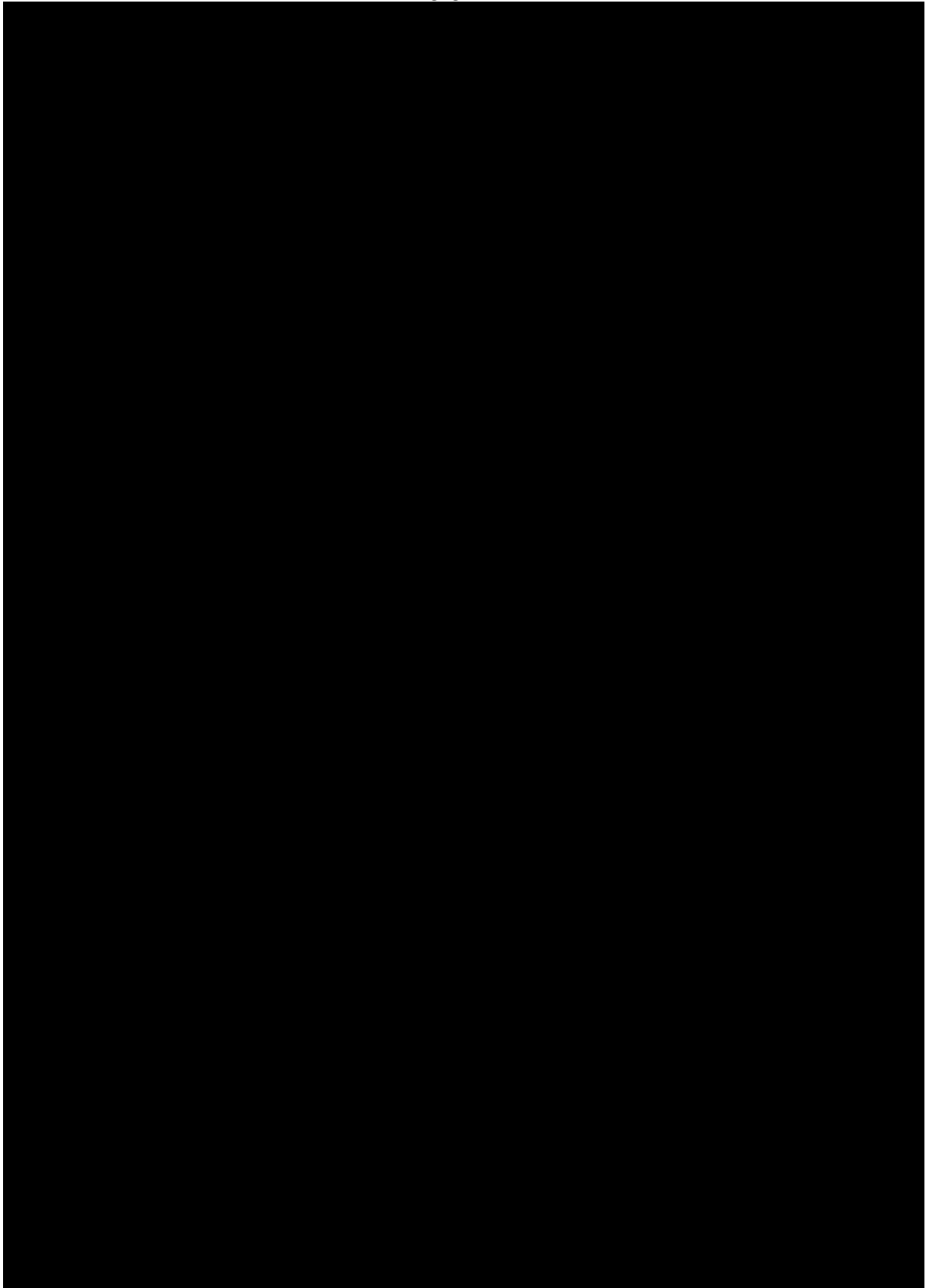
A He invited us to his house to inspect a product that he was suspicious was counterfeit.

Q Did you go to his house?

A Yes.

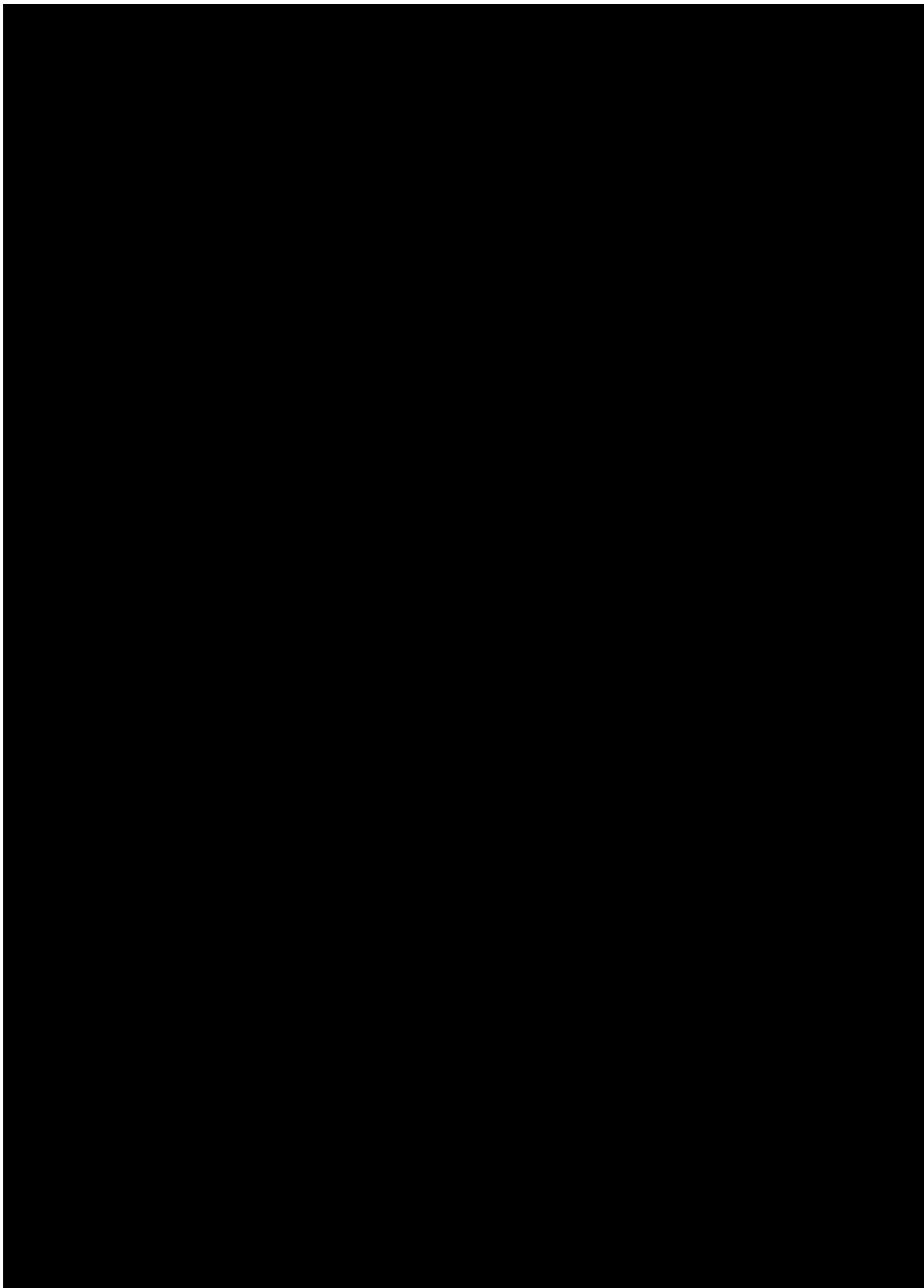
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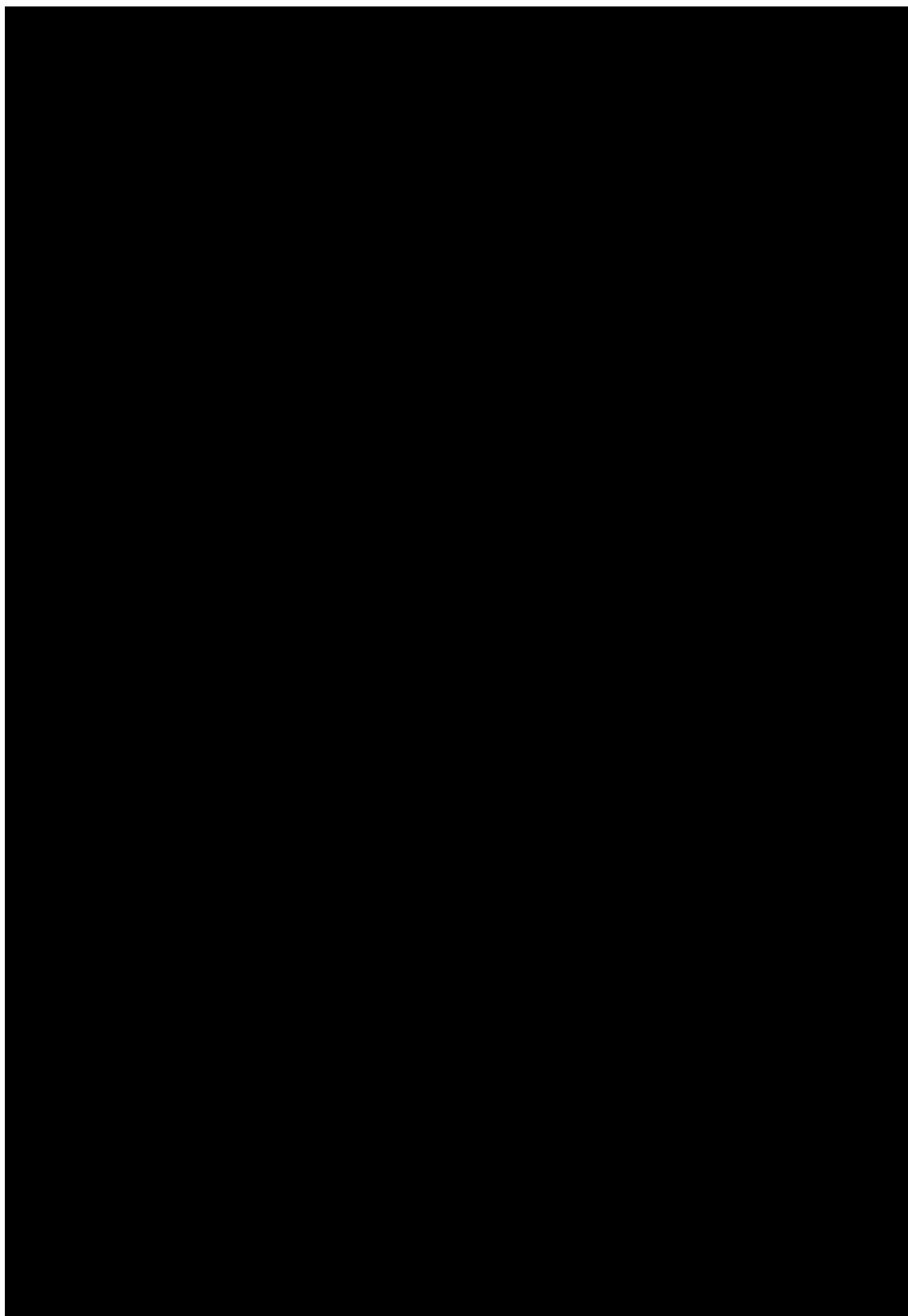
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JOE PALLETT



Q Did you have any conversations with Mr. Kim while you were there?

A No. He offered me something to drink. That was about it.

Q Did he -- was he -- so you did this outside on his back porch?

A Yeah. I got a bad sunburn.

Q Was he outside while you were doing it?

A No.

Q Did he come out at all while you were doing it?

A He came out to see how things were going.

Q Did he ask whether you were finding counterfeits?

A He didn't ask me.

Q Did you give him any information about your results?

1 JOE PALLETT

2 A At the end, I confirmed that  
3 four of the pairs that he was suspicious  
4 were authentic.

5 Q Did you give him that  
6 information?

7 A Yes.

8 Q Did you tell him which  
9 pairs?

10 A Yes.

11 Q Did you tell him anything  
12 else?

13 A Not that I can recall.

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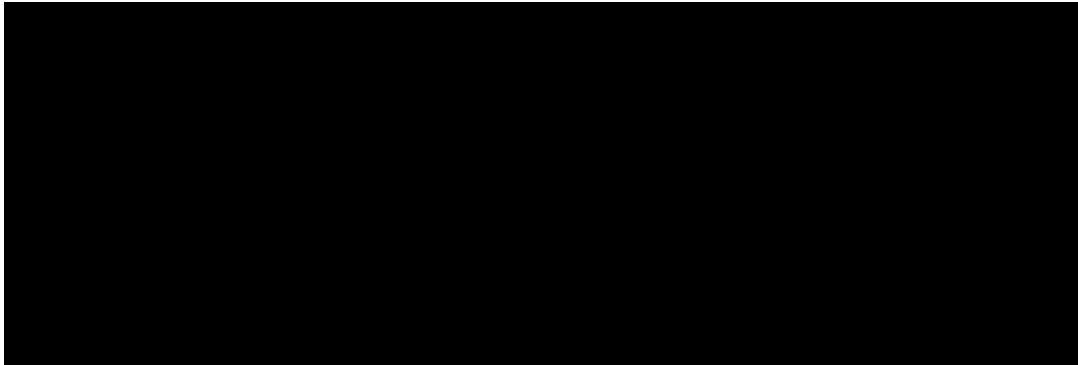
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JOE PALLETT



Q Did anyone go with you to  
Roy Kim's house?

A Yes.

Q Who?

A An attorney named Melissa.

Q Melissa who?

A I don't remember her last  
name.

Q She was an attorney from  
Nike?

A No.

MS. DUVDEVANI: Melissa  
Reinckens.

MS. BANNIGAN: From DLA?

MS. DUVDEVANI: Correct.

Q And what did Melissa do  
while you were there?

A She sat by the shoes and let  
me do my work.

1 JOE PALLETT

2 Q Did she inspect the shoes at  
3 all?

4 A No.

5 Q Were any of the shoes in  
6 Mr. Kim's possession missing a StockX tag  
7 or a receipt?

8 A Yes.

9 Q And were you able to  
10 conclude -- in that scenario, how was  
11 Nike able to conclude that the shoes were  
12 sold by StockX?

13 A I don't know.

14 MS. DUVDEVANI: Objection.

15 Q Is Nike able to conclude  
16 that those shoes were sold by StockX?

17 MS. DUVDEVANI: Objection.

18 A I don't know.

19 MS. BANNIGAN: We're going  
20 to mark this as Exhibit 15.

21 (The above-referred-to  
22 document was marked as Exhibit 15 for  
23 identification, as of this date.)

24 MS. DUVDEVANI: Any idea  
25 approximately how much longer we're

1 JOE PALLETT

2 going today?

3 MS. BANNIGAN: I think we  
4 have less than an hour left. So less  
5 than an hour.

6 MS. DUVDEVANI: Okay.

7 Q This is a chart with the  
8 beginning Bates Stamp NIKE0029087. Given  
9 the size we printed it, you can't see the  
10 Bates Stamp on the document. But that  
11 was the Bates Stamp it was produced with  
12 by Nike.

13 You recognize this chart?

14 A Yes.

15 Q Did you make it?

16 A Yes.

17 Q When did you make it?

18 A After visiting Roy Kim.

19 Q Why did you make this chart?

20 A To document the findings  
21 that I made after inspecting Roy Kim's  
22 shoes.

23 Q And does this chart  
24 accurately reflect your findings?

25 A Yes.